

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
MARLON CASTRO, OCTAVIO RANGEL,  
MARTIN VASQUEZ, ALFREDO MARTINEZ,  
RODOLFO MENDEZ, GERARDO ANGULO, JUAN  
MARTINEZ, JOSE CERVANTES, SERGIO  
SANCHEZ, ISRAEL SANCHEZ, MARTINE PEREZ,  
GUILLERMO MENDOZA, OMAR CASTILLO, and  
AMANDO MARTINEZ, individually and on behalf  
of others similarly situated,

*Plaintiffs,*

-against-

SPICE PLACE, INC., SPICE AVE., INC.,  
BANGKOK PALACE II, INC., SPICE CITY, INC.,  
SPICE WEST, INC., KITLEN MANAGEMENT,  
INC., JUTTANA RIMREARTWATE,  
THANADHAM THANEESAENGSI, KARNDA  
VAJIRABANJONG, KEVIN LEATHERS,  
KITTIKRON LIRTPANARUK, YONGYUT  
LIMLEARTVATE, and YUANYONG  
RIMREARTWATE,

*Defendants.*

-----X  
STATE OF NEW YORK     )  
                                  ) ss  
COUNTY OF NEW YORK   )

**ECF Case**

**FLSA § 216(b) Collective  
Action**

**FRCP Rule 23 Class  
Action**

**07 CV 4657 (RWS)(DFE)**

**AFFIDAVIT OF  
MICHAEL A. FAILLACE**

MICHAEL A. FAILLACE, being duly sworn, says:

1. I am a member of the bar of this Court, and an attorney for the Plaintiffs in the above-referenced matter, and I am making a motion for collective action and class certification on their behalf.
2. I submit this affidavit in support of the above-mentioned motion, with respect to affidavits that were signed by the Plaintiffs.
3. The Plaintiffs are immigrants from Spanish-speaking countries in Central and

South America, and they predominantly speak and understand Spanish.

4. I lived in Columbia, South America for the first seventeen years of my life, and during those formative years I only spoke Spanish. I later immigrated to the United States as an adult, and I became fluent in the English language.

5. Therefore, I am fully fluent in both the English and Spanish languages.

6. I conducted meetings with all of the Plaintiffs to prepare their affidavits in support of the aforementioned motion on the following dates: Saturday, April 12, 2008; Wednesday, April 16, 2008; Thursday, April 17, 2008; Saturday, May 10, 2008; and Tuesday, May 13, 2008.

7. I had my associate, Yolanda Rivero, Esq., assist me in these meetings with some of the Plaintiffs.

8. Specifically, I met with Plaintiffs Rodolfo Mendez, Humberto Badillo Morales, Humberto Otilica, Isreal Rodriguez Sanchez, Jorge Rosas, and Ramiro Lopez on April 12, 2008; and with Plaintiffs Juan Martinez and Martin Vasquez on May 10, 2008.

9. During my meetings with the above-referenced Plaintiffs, I would obtain the information about their employment history with the Defendants.

10. Specifically, I would take the Plaintiffs' statements in Spanish, and translate what they told me into English and put this into their affidavit.

11. After the affidavit was finished, I would then read the statements contained in the affidavit back to each individual Plaintiff in Spanish.

12. I asked each Plaintiff whether the statements that I had just read to them was a complete and accurate accounting of what they had previously told me.

13. As soon as the individual Plaintiff confirmed that the information was true and

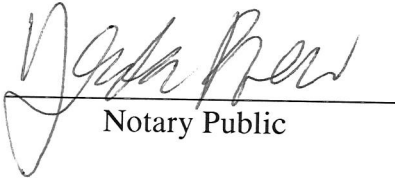
correct, I asked that they sign the affidavit and I witnessed their signature.

14. However, Plaintiffs Humberto Badillo Morales, Humberto Otilica, Isreal Rodriguez Sanchez, Jorge Rosas, and Ramiro Lopez had their affidavits notarized by my associate, Yolanda Rivero, Esq.



Michael A. Faillace (MF-8436)

Sworn to before me  
This 23<sup>rd</sup> day of July 2008.

  
Notary Public

**YOLANDA RIVERO**  
Notary Public, State of New York  
No. 02RI6061584  
Qualified in Queens County  
Commission Expires July 16, 2011

MICHAEL FAILLACE & ASSOCIATES, P.C.  
Michael Faillace [MF-8436]  
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(212) 317-1200  
*Attorneys for Plaintiffs*

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RIMREARTWATE,

*Defendants.*

-----X  
STATE OF NEW YORK )  
COUNTY OF NEW YORK ) ss.

Yolanda Rivero, Esq., being duly sworn, says:

**07 CV 4657 (RWS)(DFE)**

**AFFIDAVIT OF**  
**Yolanda Rivero, Esq.**

**FLSA §216 (b)**  
**COLLECTIVE ACTION**

**FRCR Rule 23**  
**Class Action**

**ECF Case**

1. I am an associate attorney employed at Michael Faillace & Associates, P. C., who represents the Plaintiffs in this matter and submit this affidavit in support of the Plaintiffs' motion for collective action and class certification.

2. I am a member of the bar of this Court.

3. I grew up in a fully bilingual household, where English and Spanish were spoken fluently, and can easily speak and translate between the two aforementioned languages.

4. I assisted in the meetings that were conducted by my office with the Plaintiffs in the preparation of the Plaintiffs' affidavits for the collective action and class certification motion.

5. These meetings were held on Saturday, April 12, 2008; Wednesday, April 16, 2008; Thursday, April 17, 2008; Saturday, May 10, 2008; and Tuesday, May 13, 2008.

6. I met with Plaintiffs Caterino De Los Santos, Geraldo Angulo, Guillermo Gonzalez, Jose Castillo, Marlon Castro, Martine Perez, and Omar Castillo on April 12, 2008; with Plaintiff Guillermo Fragosa Mendoza on April 16, 2008; with Plaintiff Modesto Perez on April 17, 2008; with Plaintiffs Jose Cervantes on May 10, 2008; and with Plaintiff Sergio Sanchez on May 13, 2008.

7. Specifically, during all of these meetings with the Plaintiffs, I obtained the information from each Plaintiff about their work history with the Defendants in Spanish, and I translated that information into English for the affidavits.

8. Once the affidavit was complete, I then translated this information contained in the affidavit to each Plaintiff to confirm that the information was complete and accurate.

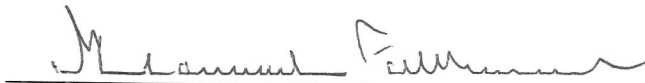


9. After translating the information, I asked each Plaintiff to sign the affidavit if the information that was just read to them was complete and true, and if it conformed with the information that he had related to me.

10. As soon as the Plaintiffs and I felt confident that the affidavit as translated was in a completed form, the Plaintiffs signed their own affidavits and I witnessed their signatures.

  
Yolanda Rivero

Sworn to before me  
This 23<sup>rd</sup> day of July 2008.

  
Notary Public

MICHAEL FAILLACE  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02FA6120964  
Qualified in New York County  
Commission Expires January 03, 2009